

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47534 of 2022**

Arising Out of PS. Case No.-252 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Ramlal Ray Son Of Late Rambilas Rai R/O Village- Hathsarganj, Ward No.-
1, P.S.- Town Hajipur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jain, Adv.
For the Opposite Party/s : Mr. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
the Case C2A No. 252 of 2021 lodged under Sections 30(a),
32(1)(2) Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution case, total recovery of 300
litres *desi* wine is the subject matter of the present case.

Learned counsel for the petitioner submits that the
said recovery has not been made from the conscious possession
of the petitioner. He submits that petitioner is aged about 60
years and he is in custody since 07.04.2022. Counsel further

submits that as per the seizure list, the said recovery was made from the place of which petitioner is not the absolute owner. Counsel submits that there are 3 criminal cases pending against him and he is on bail in all the 3 cases. Counsel submits that he is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Prohibition and Excise Court 2nd, Hajipur, Vaishali in connection with the Case C2A No. 252 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall

file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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